

**STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT**

Joe Gutierrez ,

Plaintiff,

vs.

The Hartford Insurance,

and

D-504-CV-2017-00421

Anita Canales

Case assigned to Riggs, Kea W.

Defendants.

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, Joe Gutierrez, by and through his attorneys of record, Sanders, Bruin, Coll & Worley, P.A. (John Sullivan Hightower) and for his cause of action against the Defendant states as follows:

JURISDICTION AND VENUE

1. Plaintiff is a resident of City of Hondo, County of Lincoln, State of New Mexico.
2. Upon information and belief, Defendants are a resident or do business in the City of Pueblo, County of Pueblo, State of Colorado.
3. This Court has jurisdiction over the parties herein and the subject matter herein.
4. That venue is proper in this Court pursuant to NMSA 1978, §38-3-1(A).
5. Anita Canales changed the title in Roswell, New Mexico.

**EXHIBIT
A1**

Facts

6. Joe Gutierrez allowed the vehicle with vin #2G1WF5ZK55932263 to be used by a friend named Anita Canales.
7. Anita Canales titled the vehicle in her name.
8. This was done with out Joe Gutierrez's knowledge.
9. Anita Canales added the vehicle to her personal insurance.
10. Anita Canales then reported the vehicle as stolen to her personal insurance.
11. Anita Canales then collected from the insurance company the value of the vehicle.
12. Hartford Insurance accepted the claim without questioning it.
13. The current title and past titles are listed as exhibit "A".
14. The Hartford Insurance Company paid the claim.
15. The Hartford Insurance company took steps to title the vehicle in their name.
16. These actions were taken without Mr. Gutierrez's consent.
17. Mr. Gutierrez has suffered a personal loss.

Unjust Enrichment (The Hartford Insurance)

18. Plaintiff adopts and realleges Paragraphs 1 through 17 of this Complaint as if outlined in full.
19. Defendant has knowingly benefited from Plaintiff at Plaintiff's expense.
20. It would be unjust to allow Defendant to continue to benefit from the Plaintiff.
21. Plaintiff has been damaged by the Defendant in an amount, which will be shown at trial of this matter.

Fraud (The Hartford Insurance)

22. Plaintiffs adopt and realleges Paragraphs 1 through 21 of this Complaint as if outlined in

full.

23. Defendant misrepresented facts to the Plaintiff.

24. Defendant had knowledge its representations to the Plaintiff were false.

25. Defendant has recklessly misrepresented the facts to the Plaintiff.

26. Plaintiff detrimentally relied on the Defendant's misrepresentations.

27. Plaintiff has been damaged by the Defendant's misrepresentations.

Unjust Enrichment (Anita Canales)

28 . Plaintiff adopts and realleges Paragraphs 1 through 27 of this Complaint as if outlined in full.

29. Defendant knowingly benefited from Plaintiff at Plaintiff's expense.

30. It would be unjust to allow the Defendant to continue to benefit from the Plaintiff.

31. Plaintiff has been damaged by the Defendant in an amount, which will be shown at trial of this matter.

Fraud (Anita Canales)

32. Plaintiff adopts and realleges Paragraphs 1 through 21 of this Complaint as if outlined in full.

33. Defendant misrepresented facts to Plaintiff.

34. Defendant had knowledge that her representations to Plaintiff were false.

35. Defendant recklessly misrepresented the facts to the Plaintiff.

36 Plaintiff detrimentally relied on Defendant's misrepresentations.

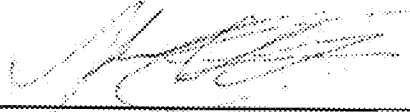
37. Plaintiff has been damaged by Defendant's misrepresentations.

PRAYER:

WHEREFORE, Plaintiffs, requests that this Court award to Plaintiff and against Defendant compensatory damages in an amount to be determined at trial, punitive damages, costs and attorneys fees, together with pre-judgment and post-judgment interest at the legal rate with such other and further relief as the Court deems just and proper.

Respectfully submitted,

SANDERS, BRUIN, COLL & WORLEY, P.A.



John Sullivan Hightower
Post Office Box 550
Roswell, NM 88202-0550
(575) 622-5440
(575) 622-5853 (Fax)
Attorneys for Plaintiff

STATE OF NEW MEXICO
NATION & REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION
**APPLICATION FOR VEHICLE
TITLE AND REGISTRATION**
MVD-10201 Rev 26/06



Vehicle Identification Number 2G1WF52K559322630		Year 2005	Title Number 16147304A749601		DIVISION USE ONLY			
Secondary ID Number 0200200		W. Wheels 3429	First Year Reg 2005	Date of Issue 05/26/2016	Type of Title 03	ET - First Time 02 - Title Transfer 03 - Lien Release	04 - Duplicate 05 - No Fee Car 11 - Non-Resident	
Name and Mailing Address of Registered Owner(s) GUTIERREZ JOE OR GUTIERREZ SHANIA P O BOX 162 HONDO NM 00000			DOGV 0	Cys 06	Body type 4D	Type of Fuel G	(G) Gasoline (D) Diesel (L) Liquefied (O) Other	Odometer 0098958
			License Plate Number(s) 311TMJ		Vehicle Brand		Vehicle Class PASSENGER	
			Type Use P	Previous Title No. and State 16130426A549951 NM		Date of Transfer 05/04/2016		
Feet Number	Commercial Vehicle	2550	2-Year Registration N	Passenger 000	# of Doors 0	# of Seats 000		
1st Reg. Owner's Social Security / Employer Identification / CPS No. XXX-XX-8208			1st Reg. Owner D.O.B. 08/13/1943		NM Driver License No. 000387762		NM Veteran Cert. No. 00000000	
FIRST LIEN HOLDER	File Date	Maturity Date	SECOND LIEN HOLDER	File Date	Maturity Date			
Name and Address 00000			Name and Address 00000					
Canceled Plate No.	Deer Up No. 000000000	Model Year Size 00*000	Key 00	Approximate Location (Mileage)				Suspected By
Trade-In V.R. (if Applicable)			REG. EXPIRATION: 05/31/2017				Expires By	
Reference Address if Different than Mailing Address P O BOX 162 HONDO NM 00000			Reg. Sticker Number: 000000000				Rate Price 3300.00	
*ODOMETER DISCLOSURE STATEMENT FEDERAL AND STATE LAW REQUIRE THE TRANSFEROR (SELLER) OF A VEHICLE TO STATE THE ODOMETER MILEAGE UPON TRANSFER OF OWNERSHIP. ANYONE CONVICTED OF A FRAUDULENT ODOMETER STATEMENT WILL BE SUBJECT TO FINE AND / OR IMPRISONMENT. I hereby certify that the ODOMETER READING of the vehicle described above is _____ (two hundred) miles and that to the best of my knowledge and belief, you (check one of the following): <input type="checkbox"/> THE ACTUAL MILEAGE (AM) * <input type="checkbox"/> MILEAGE IN EXCESS OF MECHANICAL LIMITS (EL) * <input type="checkbox"/> WARNING: NOT THE ACTUAL MILEAGE - ODOMETER DISCREPANCY (DM) * Printed Name of Seller _____ Signature of Seller _____ Date of Statement _____ Printed Name of Purchaser _____ Signature of Purchaser _____ Date of Statement _____							Net Difference 3300.00	
							Net Excess Tax 0.00	
NOTICE: Payment of the registration fee and acceptance of the application by the Motor Vehicle Division constitutes an affirmation that the applicant for title and registration has complied with the requirements of the Mandatory Financial Responsibility Act, NMSA 1978 §66-5-201 through 66-5-239. APPLICANT CERTIFICATION: I (We) hereby certify that the information given herein is true and correct to the best of my (our) knowledge and affirm that I (we) have complied with the requirements of the Mandatory Financial Responsibility Act with respect to this vehicle. Printed Name of 1st Registered Owner _____ Signature of 1st Registered Owner _____ Date of Statement _____ Printed Name of 2nd Registered Owner _____ Signature of 2nd Registered Owner _____ Date of Statement _____ The Division is not responsible for false or fraudulent statements made by the applicant or registered owner in connection with this application, nor is the Division liable for late recording errors. The registered owner must notify the Division of any errors contained in the title and registration issued pursuant to this application.							Registration 0.00	
							Late Reg. Penalty 0.00	
Printed Name of 1st Registered Owner _____ Signature of 1st Registered Owner _____ Date of Statement _____ Printed Name of 2nd Registered Owner _____ Signature of 2nd Registered Owner _____ Date of Statement _____							Net Registration 0.00	
							Special Plate Fee 0.00	
Printed Name of 1st Registered Owner _____ Signature of 1st Registered Owner _____ Date of Statement _____ Printed Name of 2nd Registered Owner _____ Signature of 2nd Registered Owner _____ Date of Statement _____							Acquire Fee 2.00	
							Transfer Fee 3.00	
Printed Name of 1st Registered Owner _____ Signature of 1st Registered Owner _____ Date of Statement _____ Printed Name of 2nd Registered Owner _____ Signature of 2nd Registered Owner _____ Date of Statement _____							Late Transfer Fee 0.00	
							Duplicate Fee 11.50	
NOC Check by _____ Remarks: DP TL AP ADD RMV NAM ACCEPTED BY Signature of MVD Employee _____							TOTAL FEES \$16.50	



NEW MEXICO

05/26/2016

2:21 PM

Motor Vehicle Department

Susana Martinez
Governor
Demesia Padilla, CPA
Cabinet Secretary

Roswell Office - 04A

200 East Wilshire Blvd

Roswell, NM 88201

(505) 624-6063

Interaction #: R1215558656

Clerk Initials: AV

Letter ID: L1423580672

License/Vehicle Number	Description	Amount
2G1WF52K559322630	MVD2.0 : 20160526-04A-ABV-14184300	\$16.50

Sub Total	\$16.50
-----------	---------

Total	\$16.50
-------	---------

Cash Tendered:	\$20.50
----------------	---------

Change Cash:	\$4.00
--------------	--------

Ref: pL011

Thank you for visiting your local MVD office!
*Credit Card Fee is not retained by the Motor Vehicle Division

Save time by visiting our website at:
www.mvd.newmexico.gov
Click Online Services to access!

For additional help or inquiries, please call: (888)683-4636

Home Mail Search News Sports Finance Celebrity Weather Apartments Flickr Mobile More

YAHOO!
MAIL

Joe search your mailbox

Download Search Web Home Joe

Compose

IMG_1063.JPG

[No Subject]

People

Inbox

Joe Gutierrez <joseph_69_82@yahoo.com> (1/11/16)
To: [redacted]

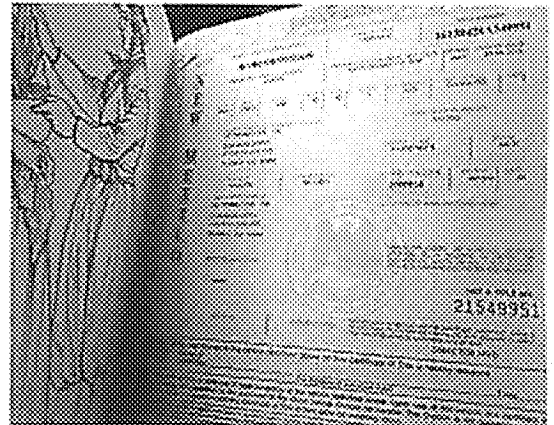
Sent from my iPhone



IMG_1063.JPG

Reply Reply to All Forward More

Reply to [redacted]

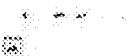


Joe Gutierrez

Joe Gutierrez

Joe Gutierrez

Joe Gutierrez



CERTIFICATE OF TITLE

MVD-10000
REV. 02/05

VEHICLE IDENTIFICATION NUMBER

2G1WT52K559322630

TYPE OF TITLE
ORIGINAL

TITLE NUMBER

161474048749601

ENGINE OR OTHER I.D. NUMBER
0200200PREVIOUS TITLE NUMBER AND STATE
16130426A349951 NM1ST REG
2005DATE OF ISSUE
05/26/2016YEAR
2005MAKE
CHEVMODEL
IMPBODY
4DCYLS
06DGW
0WT/WHEELS
3429TYPE OF FUEL
GASOLINELIENS
01st LIENHOLDER (OR OWNER(S) IF NO LIEN)
GUTIERREZ JOE ORLICENSE PLATE NUMBER(S)
311 TMJGUTIERREZ SHANIA
P O BOX 162
HONDO NM 00000VEHICLE CLASS
PASSENGERCLERK
ABVFILE DATE
NO LIENMATURITY DATE
NO LIENODOMETER & CODE
098958MH SIZE
00*000CNTY.
00REGISTERED OWNER(S)
GUTIERREZ JOE OR
GUTIERREZ SHANIA
P O BOX 162
HONDO NM 00000

LOCATION OF MANUFACTURED HOME

SECOND LIENHOLDER

00000

ODOMETER CODES: AM = ACTUAL VEHICLE
MILEAGE, EL = MILEAGE IN EXCESS OF
MECHANICAL LIMITS OR NM = NOT ACTUAL
MILEAGE WARNING-ODOMETER DISCREPANCY

NOT A TITLE NO.

21749601

FILE DATE

MATURITY DATE

DO NOT CARRY IN VEHICLE - KEEP IN SAFE PLACE. IMPORTANT: THERE IS
AN ADDITIONAL STATUTORY FEE FOR FAILURE BY PURCHASER TO APPLY
FOR TRANSFER WITHIN 30 DAYS FROM DATE OF SALE

DIRECTOR MVD

I hereby certify, that interest in the vehicle described above on this Certificate of Title is hereby released.

RELEASE Name of
OF LIEN Lienholder

Full Signature of Authorized Agent

Date

This Certificate of Title is evidence of legal ownership of the vehicle described above. Upon sale of this vehicle, this certificate must be properly assigned below and presented by the purchaser to the Motor Vehicle Division for transfer. The Division is not responsible for false or fraudulent statements made in connection with this Certificate of Title or held liable for recording errors.

IMPORTANT: Buyer (except for dealer) must apply to the Motor Vehicle Division within 30 days for transfer of title and registration. Federal and state law require the seller (including dealers) to state the odometer mileage upon transfer of ownership. ANYONE CONVICTED OF A FALSE ODOMETER STATEMENT WILL BE SUBJECT TO FINES AND/OR IMPRISONMENT.

ASSIGNMENT OF TITLE FOR THE EXACT AMOUNT OF \$ _____ I (we) hereby sell, assign,

transfer and convey this _____ day of _____, YR _____ to _____

Buyer's Name(s): _____

Address: _____

this vehicle described on the front side of this Certificate of title and warrant it at time of delivery to be free of any lien or encumbrances unless specified below.
IF NO LIEN, WRITE WORD "NONE"Name & Address
of Lienholder: _____

Lienholder No. (if any) _____

File Date _____

Maturity Date _____

ODOMETER DISCLOSURE STATEMENT: I (we) hereby certify that the ODOMETER READING of this vehicle is: _____ (NO TENTHS) miles and that stated
mileage is (check one of the following): A ☐ the actual mileage OR B ☐ Mileage in excess of mechanical limits OR C ☐ NOT the actual mileage WARNING-ODOMETER DISCREPANCY.

Signature(s)

X

Printed Name _____

of Seller(s)

X

Printed Name _____

Signature(s)

X

Printed Name _____

of Buyer(s)

X

Printed Name _____

Title - COPY OF 2005 IMPALA

CERTIFICATE OF TITLE

MVD 10030
REV. 02/06

VEHICLE IDENTIFICATION NUMBER

2G1WF52K559322630

TYPE OF TITLE
ORIGINAL

TITLE NUMBER

16147304A749601

ENGINE OR OTHER I.D. NUMBER
0200200PREVIOUS TITLE NUMBER AND STATE
16130426A549931 NM1ST REG. DATE OF ISSUE
2005 05/26/2016

YEAR 2005	MAKE CHEV	MODEL IMP	BODY 4D	CYLS 06	GVW 0	WT. WHEELS 3439	TYPE OF FUEL GASOLINE	LIENS 0
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1st LIEN HOLDER (OR OWNER(S) IF NO LIEN)
GUTIERREZ JOE ORLICENSE PLATE NUMBER(S)
311TMIGUTIERREZ SHANIA
P.O. BOX 162
HONDO NM 00000VEHICLE CLASS
PASSENGERCLASS
AUTFILE DATE
NO LIENMATURITY DATE
NO LIENODOMETER & CODE
098958MH SIZE
00*000CNTY.
00REGISTERED OWNER(S)
GUTIERREZ JOE OR
GUTIERREZ SHANIA
P.O. BOX 162
HONDO NM 00000

LOCATION OF MANUFACTURED HOME

SECOND LIEN HOLDER

00000

ODOMETER CODES: AM = ACTUAL VEHICLE
MILEAGE, BL = MILEAGE IN EXCESS OF
MECHANICAL LIMITS OR NM = NOT ACTUAL
MILEAGE WARNING-ODOMETER DISCREPANCYNOT A TITLE NO.
21749601

FILE DATE

MATURITY DATE

DO NOT CARRY IN VEHICLE - KEEP IN SAFE PLACE. IMPORTANT: THERE IS
AN ADDITIONAL STATUTORY FEE FOR FAILURE BY PURCHASER TO APPLY
FOR TRANSFER WITHIN 30 DAYS FROM DATE OF SALE.

DIRECTOR MVD

I hereby certify, that interest in the vehicle described above on this Certificate of Title is hereby released.

RELEASE OF LIEN	Name of Lienholder: _____	Full Signature of Authorized Agent _____	Date _____
-----------------	---------------------------	--	------------

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ASSIGNMENT OF TITLE FOR THE EXACT AMOUNT OF \$ _____ I (we) hereby sell, assign,

transfer and convey this _____ day of _____, YR _____ to

Buyer's Name(s): _____

Address _____

the vehicle described on the front side of this Certificate of title and warrant it at time of delivery to be free of any liens or encumbrances unless specified below.
IF NO LIEN, WRITE WORD "NONE"

Name & Address of Lienholder: _____

Lienholder No. (if any) _____ File Date _____ Maturity Date _____

ODOMETER DISCLOSURE STATEMENT: I (we) hereby certify that the ODOMETER READING of this vehicle is: _____ (NO TENTHS) miles and that stated mileage is (check one of the following): A ☐ the actual mileage OR B ☐ Mileage in excess of mechanical limits OR C ☐ NOT the actual mileage, WARNING-ODOMETER DISCREPANCY.

Signature(s) _____ X _____ Printed Name _____

of Seller(s) _____ X _____ Printed Name _____

Signature(s) _____ X _____ Printed Name _____

of Buyer(s) _____ X _____ Printed Name _____

NEW MEXICO MOTOR VEHICLE DIVISION

VOID IF ALTERED
HOLD TO LIGHT TO VIEW EAGLE WATERMARK

VOID IF ALTERED

INSURANCE IDENTIFICATION CARD FACSIMILE

NEW MEXICO'S PROOF OF FINANCIAL RESPONSIBILITY

COMPANY

Property & Casualty Insurance Company of Hartford

POLICY NUMBER

55PH8287960

EFFECTIVE DATE

5/11/2016

EXPIRATION DATE

5/11/2017

YEAR

05

MAKE/MODEL

CHEV IMPALA

VEHICLE IDENTIFICATION NUMBER

2G1WS52K559322630

INSURED

**CANALES, ANITA
113 DON JOSE PL
HONDO, NM 81004**



**THIS FORM MUST BE KEPT IN THE MOTOR VEHICLE WITH THE
CERTIFICATE OF REGISTRATION**

IN CASE OF ACCIDENT: Report all accidents to your Hartford Insurance Representative as soon as possible. Obtain the following information:

1. Name and address of each driver, passenger and witness;
2. Name of Insurance Company and policy number for each vehicle involved.

**For: Claim Service, Call Toll Free 1-877-805-9918.
Customer Service, Call Toll Free 1-800-423-6789.**

Form DRA-793-3(ED. 12/01) Printed in U.S.A.

CLAIM # PA 0016836157

CLAIM AGENT MEGAN WILSON

1800-236-0398

EXT 2307300

FRAUD DEP

DAVE RICE

860-347-5365

INSURANCE IDENTIFICATION CARD FACSIMILE

NEW MEXICO'S PROOF OF FINANCIAL RESPONSIBILITY

COMPANY

Property & Casualty Insurance Company of Hartford

POLICY NUMBER

55PHB287960

EFFECTIVE DATE

5/11/2016

EXPIRATION DATE

5/11/2017

YEAR

05

MAKE/MODEL

CHEV IMPALA

VEHICLE IDENTIFICATION NUMBER

2G1WS52K559322630



INSURED

**CANALES, ANITA
113 DON JOSE PL
HONDO, NM 81004**

**THIS FORM MUST BE KEPT IN THE MOTOR VEHICLE WITH THE
CERTIFICATE OF REGISTRATION**

IN CASE OF ACCIDENT: Report all accidents to your Hartford Insurance Representative as soon as possible. Obtain the following information:

1. Name and address of each driver, passenger and witness;
2. Name of Insurance Company and policy number for each vehicle involved.

**For: Claim Service, Call Toll Free 1-877-805-9918.
Customer Service, Call Toll Free 1-800-423-6789.**

Form DRA-793-3(ED. 12/01) Printed in U.S.A.

*CLAIM # PA 0016636157
CLAIM ANALYST MEGAN WILSON
1800-236-0398
EXT 2307300*

*FRAUD DEP
DAVE RICE
660-347-5365
800-547-9276*

CERTIFICATE OF TITLE

MVD-18039
REV. 02/06

VEHICLE IDENTIFICATION NUMBER

2G1WF52K659322630

TYPE OF TITLE
ORIGINAL

TITLE NUMBER

16147304A749601

ENGINE OR OTHER I.D. NUMBER

0200200

PREVIOUS TITLE NUMBER AND STATE
16130426A349951 NM

1ST REG.

DATE OF ISSUE
03/26/2016YEAR
2005MAKE
CHEVMODEL
IMPBODY
4DCYLS
06DGVW
0WT./WHEELS
3429TYPE OF FUEL
GASOLINELIENS
0

1st LIENHOLDER (OR OWNER(S) IF NO LIEN)

GUTIERREZ JOE OR

LICENSE PLATE NUMBER(S)
311TMI

GUTIERREZ SHANIA

P O BOX 162

HONDO NM 00000

VEHICLE CLASS
PASSENGERCLERK
ABVFILE DATE
NO LIENMATURITY DATE
NO LIEN

*ODOMETER & CODE

00853A

MH SIZE
00*000CNTY.
00REGISTERED OWNER(S)
GUTIERREZ JOE ORGUTIERREZ SHANIA
P O BOX 162

HONDO NM 00000

SECOND LIENHOLDER

00000

LOCATION OF MANUFACTURED HOME

ODOMETER CODES: AM = ACTUAL VEHICLE MILEAGE, EL = MILEAGE IN EXCESS OF MECHANICAL LIMITS OR NM = NOT ACTUAL MILEAGE-WARNING-ODOMETER DISCREPANCY

NOT A TITLE NO.

21749601

FILE DATE

MATURITY DATE

DO NOT CARRY-ON VEHICLE - KEEP IN SAFE PLACE. IMPORTANT: THERE IS AN ADDITIONAL STATUTORY FEE FOR FAILURE BY PURCHASER TO APPLY FOR TRANSFER WITHIN 30 DAYS FROM DATE OF SALE.

DIRECTOR MVD

I hereby certify, that interest in the vehicle described above on this Certificate of Title is hereby released.

RELEASE
OF LIENName of
Lienholder

Full Signature of Authorized Agent

Date

This Certificate of Title is evidence of legal ownership of the vehicle described above. Upon sale of this vehicle, this certificate must be properly assigned below and presented by the purchaser to the Motor Vehicle Division for transfer. The Division is not responsible for false or fraudulent statements made in connection with this Certificate of Title or held liable for recording errors.

IMPORTANT: Buyer (except for dealer) must apply to the Motor Vehicle Division within 30 days for transfer of title and registration. Federal and state law requires the seller (including dealers) to obtain the odometer mileage upon transfer of ownership. ANYONE CONVICTED OF A FALSE ODOMETER STATEMENT WILL BE SUBJECT TO FINES AND/OR IMPRISONMENT.

ASSIGNMENT OF TITLE FOR THE EXACT AMOUNT OF \$

I (we) hereby sell, assign,

transfer and convey this day of , YR to

Buyer's Name(s):

Address:

the vehicle described on the front side of this Certificate of Title and warrant it at time of delivery to be free of any liens or encumbrances unless specified below.

IF NO LIEN, WRITE WORD "NONE".

Name & Address
of Lienholder:

Lienholder No. (if any):

File Date

Maturity Date

ODOMETER DISCLOSURE STATEMENT: I (we) hereby certify that the ODOMETER READING of this vehicle is: (NO TENTHS) miles and that stated mileage is (check one of the following): A O the actual mileage OR B O Mileage in excess of mechanical limits OR C O NOT the actual mileage WARNING-ODOMETER DISCREPANCY.

Signature(s)

X

Printed Name

of Seller(s)

X

Printed Name

Signature(s)

X

Printed Name

of Buyer(s)

X

Printed Name

NEW MEXICO MOTOR VEHICLE DIVISION

10/5/2016 9:50 AM

Fast DS-VS
Advanced Log Off
Quick Activities
Launchpad
Search
Credential: 5711
Vehicle Ownership: 867447264
2005 CHEV IMP
2G1WF52K350322633
Title: 16196402R205925
Form Manager
Holder address
View Supplemental
Click For Initial Form

Title
Title: 16196402R205925
TITLE: STANDARD

Status	Active	Application	14-Jul-2018	Mailing Name	PROPERTY & CASUALTY INS
Indicator	Title Active	Issued	14-Jul-2018	Mailing Address	PO BOX 68834
		Created	14-Jul-2018		INDIANAPOLIS IN 46264

TITLE: 16196402R205925

Title Type	Vehicle Id Type	Vehicle Id	Vehicle Type
STANDARD	VIN	2G1WF52K350322633	PASSENGER VEHICLE
Year	Make	Model	Body Style
2005	CHEV	IMPALA	
Fuel Type	Color	Color 2	Empty Weight
GASOLINE	GRAY		3,429
GVW	Odometer Code	Odometer	Odometer Units
	0 Not Actual	99,000	Miles
Wheels			0
	0		
Title Assignment		Title Assignment 2	
PROPERTY & CASUALTY INS			
Issue Type	Control Number	Title Number	
ORIGINAL		16196402R205925	
Previous Title Type	Previous Title Number	Previous Title State	
	16147304A749601	NM - New Mexico	
OWNERS			
Primary			
PROPERTY & CASUALTY INS			

RECEIPT

DATE 5-6-16 No. 327188

FROM Joe Guittierrez \$ 3,300.00

Three Thousand Three hundred DOLLARS
261W F 52K 5593226 30

FOR RENT 051
 FOR Imperial

ACCT.		
PAID		
DUE		

☒ CASH FROM _____ TO _____
☐ MONEY ORDER
☐ CHECK
☐ CREDIT CARD

BY B. Guittierrez

② volume 1152



New Mexico Insurance Identification Card
1-800-841-3000

GOVERNMENT EMPLOYEES INSURANCE COMPANY
P.O. Box 509090 • San Diego, CA 92150-9090

Policy Number
4144-03-88-92

Effective Date
04-15-16



Expiration Date
10-15-16

Year Make
2005 CHEV

Model
IMPALA

Vehicle ID No.
2G1WF52K559322630

Insured:
Joe S Gutierrez
PO Box 162
Hondo NM 88336-0162

STATE OF NEW MEXICO - MOTOR VEHICLE DIVISION									
CERTIFICATE OF VEHICLE REGISTRATION									
									
MCH	26A	161304	170228	20160509	02				
REG EXP DATE	VEHICLE CLASSIFICATION		LICENSE NUMBER		AUDIT NUMBER				
MAY 2017	PASSENGER		311TMJ		21549951				
OGVW	VEHICLE IDENTIFICATION NUMBER		MAKE		YR 1ST REG				
0	2G1WF52K59322630		CHEV		2005				
FEES PAID	WT/WHEELS	YR/MODEL	VEHICLE TYPE	CYLS	SERIES				
153.00	3429	2005	4D	06	IMP				
SIGNATURE - OWNER MUST SIGN									
									
OWNER AFFIRMS FINANCIAL RESPONSIBILITY AS DEFINED IN THE MANDATORY FINANCIAL RESPONSIBILITY ACT.									
REGISTERED OWNER NAME AND ADDRESS									
GUTIERREZ JOE OR CANALES ANITA									
1131 E EVANS AVE									
PUEBLO CO 81004									
1.1									

THIS FORM IS THE PROPERTY OF THE NEW MEXICO MOTOR VEHICLE DIVISION. IT IS TO BE USED ONLY FOR THE PURPOSES OF THE MANDATORY FINANCIAL RESPONSIBILITY ACT. MVD-1000 REV. 10/06

(1) MAKE SURE THE LICENSE PLATE NUMBER PRINTED ON THE STICKER MATCHES THE LICENSE PLATE YOU ARE APPLYING STICKER TO.

BE SURE THAT PLATE IS CLEAN, DRY, AND WARM. DO NOT MOISTEN EITHER THE PLATE OR THE STICKER.

(2) REMOVE STICKER FROM PAPER BY LIFTING A CORNER AND PEELING THE STICKER AWAY FROM THE BACKING.

(3) APPLY TO LOWER RIGHT DEPRESSION ON REAR LICENSE PLATE.

(TOP CENTER DEPRESSION FOR MOTORCYCLE PLATES)

(4) RUB OR PRESS DOWN FIRMLY AROUND ALL EDGES.

PLAINTIFF'S
EXHIBIT

8 C1388

Printed By: VIGILE RECORDS

NY 65-15869-100

1125157616 15 17

INCIDENT/INVESTIGATION REPORT**Pueblo Police Department**Case # **16-010901**

Status Codes		1 - None 2 - Burned 3 - Counterfeit / Forged 4 - Damaged / Vandalized 5 - Recovered 6 - Seized 7 - Stolen 8 - Unknown					
IBR	Status	Quantity	Type Measure	Suspected Type			
D R U G S							
Assisting Officers							

Suspect Hate / Bias Motivated:

NARRATIVE

As of this initial report, there is NO photo, video, BWC or audio evidence submitted by this Technician. See attachments for related documents.

On May 31, 2016 at approximately 12:32, I (Crystal Reffah) took an Aggravated Motor Vehicle Theft 2nd Degree in the Lobby at the Front Desk of the Pueblo Police Department. ANITA C. CANALES reported that her vehicle was stolen from the street in front of her residence.

Nothing further at this time.

REPORTING OFFICER NARRATIVE**Pueblo Police Department**

Victim CANALES, ANITA C	Offense AGG MOTOR VEHICLE THEFT 2ND DEG	OCA 16-010901 Date / Time Reported Tue 05/31/2016 12:32
--	--	--

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

As of this initial report, there is NO photo, video, BWC of audio evidence submitted by this Technician. See attachments for related documents.

On May 31, 2016 at approximately 12:32, I (Crystal Reffalt) took an Aggravated Motor Vehicle Theft-2nd Degree report in the Lobby at the Front Desk of the Pueblo Police Department. ANITA C. CANALES (09/15/1953) reported that her 2005 Chevrolet Impala was stolen from the street in front of her residence (1131 E. Evans Ave).

ANITA stated that she parked her vehicle (New Mexico Registration-attached) at her residence on 05/28/2016 at 18:30. She noted that she locked her vehicle and had possession of her keys at the time. When ANITA attempted to return to her vehicle on 05/29/2016 at 07:45, the vehicle was gone. ANITA is unsure how the vehicle was entered or who took the vehicle. She said that there was about 98,000-99,000 miles on the vehicle and about a 1/4 tank of gas at the time the vehicle was taken. She was unsure if the vehicle had a security system. ANITA did not see anything left behind at the scene including glass. She did not believe that there were any items in the vehicle when it was stolen and had NO suspect information.

Dispatch confirmed the vehicle had not been towed or impounded and a BOLO was sent.

Nothing further at this time.

Incident Report Related Vehicle List**Pueblo Police Department****OCA: 16-010901**

VehYr/Make/Model 2005 CHE. Impala		Style SD		Color SIL.		LicPls 311TMJ NM 2016		VIN 2G1WFS2K359322630	
INR Status Recovered		Date 09/09/2016		Location . RUYDOSO NM					
Condition		Value \$3,300.00		Offense Code 240		Jurisdiction Locally		State # NIC #	
Name (Last, First, Middle) Canales, Anita C				Also Known As			Home Address 1131 E EVANS AVE PUEBLO, CO 81004 719-281-6016		
Business Address									
DOB 09/15/1953	Age 62	Race W	Sex F	Hgt 507	Wgt 162	Scars, Marks, Tattoos, or other distinguishing features			

Notes

CASE SUPPLEMENTAL REPORT

Printed: 11/23/2016 14:12

Pueblo Police Department

OCA: 16010901

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: UNFOUNDED

Case Mag Status: UNFOUNDED

Occurred: 05/28/2016

Offense: AGG MOTOR VEHICLE THEFT 2ND DEG VALUE \$1,000 TO \$20,000

Investigator: LAUT, BRIAN EDWARD (1458)

Date / Time: 09/10/2016 00:14:57, Saturday

Supervisor: BALLAS, ZACHARY J (12959)

Supervisor Review Date / Time: 09/10/2016 04:51:55, Saturday

Contact:

Reference: Supplement

There is no photo, video, audio, or BWC evidence added to this call by this Officer.

On 09/10/16, at approximately 0005 hours, I Officer Brian Laut was dispatched to 200 S. Main Street, in the City and County of Pueblo, Colorado, in reference to a recovered stolen vehicle (PPD CR#: 16010901).

I observed the call notes to state this vehicle was located in Ruydoso, New Mexico, on 09/09/16, at approximately 2009 hours. I observed the call notes to state the vehicle was located by Officer Daley and only the rear license plate is on the vehicle. The call notes had no further information.

I have completed an XBOLO.

Nothing further.

Investigator Signature

Supervisor Signature

COMMUNICATIONS

Event Report

Event ID: 2013-040271

Call Ref #: 717

Date/Time Received: 05/26/13 06:20:28

Rpt #: 2013-006048

Prime Z3

Services Involved

Call Source: E911

Unit: STANTON, MIKE

LAW

EMS

Location: 804-B S KENTUCKY AVE

X-ST: W DEMING ST
W MATHEWS STJur: PVRC Service: LAW Agency: RPD
St/Beat: BKER District: RA: 209
GP: GPB

Business:

Phone:

Nature: BATTERY

Alarm Lvl: 1

Priority: P

Medical Priority:

0

Reclassified Nature:

Caller:

Addr:

Phone:

Alarm:

Alarm Type:

Vehicle #:

St:

Report Only: No

Race:

Sex:

Age:

Call Taker: JMARQUEZ

Console: COMM4

Geo-Verified Addr.: Yes Nature Summary Code: BATT Disposition: RPT Close Comments:

Notes:

See Event Notes Addendum at end of this report

Times

Call Received: 05/26/13 06:20:28	<u>Time From Call Received</u>	
Call Routed: 05/26/13 06:23:06	000:02:38	Unit Reaction: 000:05:43 (1st Dispatch to 1st Arrive)
Call Take Finished: 05/26/13 06:25:08	000:04:40	En-Route: 000:00:46 (1st Dispatch to 1st En-Route)
1st Dispatch: 05/26/13 06:23:06	000:02:38 (Time Held)	On-Scene: 004:10:22 (1st Arrive to Last Clear)
1st En-Route: 05/26/13 06:23:52	000:03:24	
1st Arrive: 05/26/13 06:28:49	000:08:21 (Reaction Time)	
Last Clear: 05/26/13 10:39:11	004:18:43	

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
374	RPD374	D	Dispatched	05/26/13 06:23:06	Stat/Beat: ADAM		KMCKENNA
352	RPD352	D	Dispatched	05/26/13 06:23:06	Stat/Beat: DELT		KMCKENNA
352	RPD352	E	En-Route	05/26/13 06:23:52			Unit:352
374	RPD374	X	Canceled	05/26/13 06:24:35	Cancelled by Exchange Command		KMCKENNA
373	RPD373	D	Dispatched	05/26/13 06:24:35	Stat/Beat: NRNG		KMCKENNA
373	RPD373	E	En-Route	05/26/13 06:24:35	Stat/Beat: NRNG		KMCKENNA
352	RPD352	A	Arrived	05/26/13 06:28:49			KMCKENNA
373	RPD373	A	Arrived	05/26/13 06:28:50			KMCKENNA
Z3	RPD286	D	Dispatched	05/26/13 06:36:44	Stat/Beat: ZEBR		KMCKENNA

Agency Name		INCIDENT/INVESTIGATION REPORT				Case#	
Pueblo Police Department						16-010901	
ORI						Date / Time Reported	
CQ0510100						05/31/2016 12:32 Tue	
Location of Incident		Premise Type		Zone/Tract		Last Known Secure	
1131 E Evans Ave, Pueblo CO 81004-		Residence/home		Q3		05/28/2016 18:30 Sat	
Crime Incident(s)		Weapon / Tools		Activity		At Found	
#1 Crime Incident (Com) F		Agg Motor Vehicle Theft 2nd Deg Value \$1,000 To \$20,000 - 18-4-409(4)(B)				05/29/2016 07:45 Sun	
#2 Crime Incident ()		Weapon / Tools		Activity			
#3 Crime Incident ()		Weapon / Tools		Activity			
Point Of Entry/Unknown Point		Entry		Exit		Security	
MO		Entry		Exit		Security	
# of Victims 1		Type: INDIVIDUAL/ NOT LAW		Injury:			
VI		Victim/Business Name (Last, First, Middle)		Victim of Crime #		DOB	
CANALES, ANITA C				1		09/15/1953	
Home Address		1131 E EVANS AVE, Pueblo, CO 81004-		Race		Sex	
				W		F	
Employer Name/Address				Relationship To Offender		Resident Status	
						Resident	
Home Phone		719-281-6016		Mobile Phone		719-	
VIN		2G1WF52K559322630		Lic/Lis		311TAL NM	
CODES: V- Victim (Denote V2, V3) () - Owner (if other than victim) () - Reporting Person (if other than victim)							
Type:		Injury:					
Code		Name (Last, First, Middle)		Victim of Crime #		DOB	
						Age	
Home Address				Race		Sex	
Employer Name/Address				Relationship To Offender		Resident Status	
Type:		Injury:					
Code		Name (Last, First, Middle)		Victim of Crime #		DOB	
						Age	
Home Address				Race		Sex	
Employer Name/Address				Relationship To Offender		Resident Status	
Type:		Injury:					
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						Age	
Home Address				Race		Sex	
Employer Name/Address				Relationship To Offender		Resident Status	
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Employer Name/Address				Relationship To Offender		Resident Status	
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Employer Name/Address				Relationship To Offender		Resident Status	
Type:		Injury:					
Code		Name (Last, First, Middle)		Victim of Crime #		DOB	

REPORTING OFFICER NARRATIVE**Pueblo Police Department**

Victim	Officer	OCA 16-010901
CANALES, ANITA C	AGG MOTOR VEHICLE THEFT 2ND DEG	Date / Time Reported Tue 05/31/2016 12:32

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

As of this initial report, there is NO photo, video, BWC of audio evidence submitted by this Technician. See attachments for related documents.

On May 31, 2016 at approximately 12:32, I (Crystal Reffalt) took an Aggravated Motor Vehicle Theft-2nd Degree report in the Lobby at the Front Desk of the Pueblo Police Department. ANITA C. CANALES (09/15/1953) reported that her 2005 Chevrolet Impala was stolen from the street in front of her residence (1131 E. Evans Ave).

ANITA stated that she parked her vehicle (New Mexico Registration-attached) at her residence on 05/28/2016 at 18:30. She noted that she locked her vehicle and had possession of her keys at the time. When ANITA attempted to return to her vehicle on 05/29/2016 at 07:45, the vehicle was gone. ANITA is unsure how the vehicle was entered or who took the vehicle. She said that there was about 98,000-99,000 miles on the vehicle and about a 1/4 tank of gas at the time the vehicle was taken. She was unsure if the vehicle had a security system. ANITA did not see anything left behind at the scene including glass. She did not believe that there were any items in the vehicle when it was stolen and had NO suspect information.

Dispatch confirmed the vehicle had not been towed or impounded and a BOLO was sent.

Nothing further at this time.

Incident Report Related Vehicle List

Pueblo Police Department

OCA: 16-010901

Veh Yr/Make/Model 2005 CHE, Impala		Style SD		Color SIL		Lic/Iss 311TMJ NM 2016		VIN 2G1WF52K559322630	
IRR Status Recovered		Date 09/09/2016		Location , RUYDOSK) NM					
Condition		Value \$3,300.00		Offense Code 240		Jurisdiction Locally		State # 	
Name (Last, First, Middle) Canales, Anita C				Also Known As 			Home Address 1131 E EVANS AVE PUEBLO, CO 81004 719-281-6016		
Business Address 									
DOB 09/15/1953	Age 62	Race W	Sex F	Hgt 507	Wgt 162	Scars, Marks, Tattoos, or other distinguishing features 			

Notes

CASE SUPPLEMENTAL REPORT

Printed: 11/23/2016 14:12

Pueblo Police Department

OCA: 16010901

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: UNFOUNDED

Case Mag Status: UNFOUNDED

Occurred: 05/28/2016

Offense: AGG MOTOR VEHICLE THEFT 2ND DEG VALUE \$1,000 TO \$20,000

Investigator: LAUT, BRIAN EDWARD (1458)

Date / Time: 09/10/2016 00:14:57, Saturday

Supervisor: BALLAS, ZACHARY J (12959)

Supervisor Review Date / Time: 09/10/2016 04:51:55, Saturday

Contact:

Reference: Supplement

There is no photo, video, audio, or BWC evidence added to this call by this Officer.

On 09/10/16, at approximately 0005 hours, I Officer Brian Laut was dispatched to 200 S. Main Street, in the City and County of Pueblo, Colorado, in reference to a recovered stolen vehicle (PPD CR#: 16010901).

I observed the call notes to state this vehicle was located in Ruydoso, New Mexico, on 09/09/16, at approximately 2009 hours. I observed the call notes to state the vehicle was located by Officer Daley and only the rear license plate is on the vehicle. The call notes had no further information.

I have completed an XBOLO.

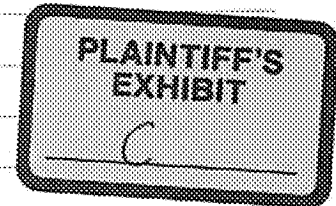
Nothing further.

Investigator Signature

Supervisor Signature

RPD

Officer Bailey
just sent
to JAL



(675) 973-3838

Ken Duke
Arrow Towing

VIN # 2G1WF52K55932263
Nm License 311-TMJ

got girlfriend Anita Canales
1-2 week purchased prior
to Anita

PD has receipt

when she came registered in
"or" w/ Anita

she carried insurance added this
vehicle

w/ wk complained about Nm pay

May 31 reported car stolen

car already taken out of her
name.

she reported it to her insurance

\$5200 ↗

insurance took new ^{title} insurance
put in their name

Hartford Insurance

Geico insured w/ Shona

2005 Chevy Impala

May 16 or 26 went to Roswell
changed title ~~add~~ to him
* Shonia.

May 31 reported car stolen

car already taken out of her
name.

she reported it to her insurance

\$5200 ↗

insurance took new insurance
put in their name

Hartford Insurance

Geico insured w/ Shonia

2005 Chevy Impala

SUMMONS	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company and Anita Canales, Defendants	Defendant Name: The Hartford Insurance Company 690 Asylum Ave. Hartford, CT 06155

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice

that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person(s) who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Roswell, New Mexico, this 26th day of May
2017, 2016.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW
MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

My Commission By:

SUMMONS	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company and Anita Canales, Defendants	Defendant Name: Anita Canales 1131 E. Evans Ave. Pueblo, CO 81004

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

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Dated at Roswell, New Mexico, this 26th day of May
2017, 2016.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW
MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

STATE OF NEW MEXICO)
)ss.
COUNTY OF Chaves)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Chaves county on the _____ day of _____, 2016 by delivering a copy of this summons², with a copy of the complaint attached, in the following manner: **(check on box and fill in appropriate blanks)**

- To Defendant _____ (*used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)
- To Defendant **by [mail]** [courier service] as provided by Rule 1004 NM RA (*used when service is by mail or commercial courier service*)
- To _____ a person over fifteen (15) years of age and residing at the usual place of abode of Defendant, (*used when the Defendant is not presently at place of abode*) a copy of the summons and complaint
- To _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailed by first class mail to the Defendant at (*insert Defendant's business address*) and by mailing the summons and complaint by first class mail to the Defendant at (*insert Defendant's last known mailing address*).
- To _____ an agent authorized to receive service of process for Defendant _____ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant (*used when Defendant is a minor or an incompetent person*).
- To _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustee, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ **day of** _____, 2016.

**Judge, notary or other officer authorized
To administer oaths**

Official title

My Commission By:

**STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT**

**JOE GUTIERREZ,
Petitioner,**

vs.

Case No. D-504-CV-2017-00421

**THE HARTFORD INSURANCE,
ANITA CANALES, and
GEICO INSURANCE COMPANY
Defendants.**

AMENDED COMPLAINT TO RECOVER DAMAGES

COMES NOW, Plaintiff, Joe Gutierrez, by and through his attorneys of record, Sanders, Bruin, Coll & Worley, P.A. (John S. Hightower) and for his Cause of Action against the Defendants states as follows:

1. Plaintiff is a resident of the County of Lincoln, State of New Mexico.
2. Upon information and belief, Defendant Anita Canales is a resident of the City of Roswell, County of Chaves, State of New Mexico.
3. Upon information and belief, Defendant, The Hartford Insurance Company is a domestic insurer, licensed to conduct business within the State of New Mexico.
4. Upon Information and belief, Defendant GEICO Insurance Company is a domestic insurer, licensed to conduct business within the State of New Mexico.
5. Defendant Anita Canales committed the acts that gave rise to this suit in the county of Chaves.
6. This Court has jurisdiction over the parties herein and the subject matter herein.
7. That venue is proper in this Court pursuant to NMSA 1978, §38-3-l(A).

FACTS

8. Joe Gutierrez allowed the vehicle with vin #2G1WF5ZK55932263 to be used by a friend named Anita Canales.
9. Anita Canales transferred title of the vehicle into her name.
10. This was done without Joe Gutierrez's knowledge.
11. Anita Canales added the vehicle to her personal insurance.
12. Anita Canales then reported the vehicle as stolen to her personal insurance.
13. Anita Canales then collected from the insurance company the value of the vehicle.
14. The Hartford Insurance accepted the claim without questioning it.
15. The current title and past titles are listed as exhibit "A".
16. The Hartford Insurance company paid the claim.
17. The Hartford Insurance company took steps to title the vehicle in their name.
18. These actions were taken without Mr. Gutierrez's consent.
19. Mr. Gutierrez has suffered a personal loss. Mr. Gutierrez notified his insurance company, GEICO and GEICO refused to pay on the claim.

Unjust Enrichment (The Hartford Insurance)

20. Plaintiff adopts and re-alleges Paragraphs 1 through 19 of this Complaint as if outlined in full.
21. Defendant, The Hartford Insurance has knowingly benefited from Plaintiff at Plaintiffs expense.
22. It would be unjust to allow Defendant the Hartford Insurance to continue to benefit from the Plaintiff.

23. Plaintiff has been damaged by the Defendant the Hartford Insurance in an amount, which will be shown at trial of this matter.

Fraud (The Hartford Insurance)

24. Plaintiffs adopts and re-alleges Paragraphs 1 through 23 of this Complaint as if outlined in full.

25. Defendant the Hartford Insurance misrepresented facts to the Plaintiff.

26. Defendant the Hartford Insurance had knowledge its representations to the Plaintiff were false.

27. Defendant the Hartford Insurance has recklessly misrepresented the facts to the Plaintiff.

28. Plaintiff detrimentally relied on the Defendant the Hartford Insurance's misrepresentations.

29. Plaintiff has been damaged by the Defendant the Hartford Insurance's misrepresentations.

Unjust Enrichment (Anita Canales)

30. Plaintiffs adopts and re-alleges Paragraphs 1 through 29 of this Complaint as if outlined in full.

31. Defendant Canales knowingly benefited from Plaintiff at Plaintiffs expense.

32. It would be unjust to allow Defendant Canales to continue to benefit from the Plaintiff. Plaintiff has been damaged by Defendant Canales in an amount, which will be shown at trial of this matter.

FRAUD (Anita Canales)

- 33. Plaintiff adopts and re-alleges Paragraphs I through 34 of this Complaint as if outlined in full.
- 34. Defendant Canales misrepresented facts to Plaintiff.
- 35. Defendant Canales had knowledge that her representations to Plaintiff were false.
- 36. Defendant Canales recklessly misrepresented the facts to the Plaintiff.
- 37. Plaintiff detrimentally relied on Defendant Canales' misrepresentations.
- 38. Plaintiff has been damaged by Defendant Canales' misrepresentations.

Breach of Contract (GEICO)

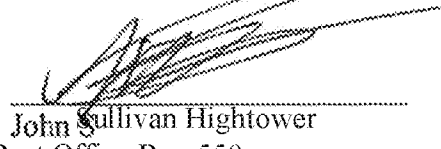
- 39. Plaintiff adopts and realleges Paragraphs 1 through 21 of this Complaint as if outlined in full.
- 40. Plaintiff and Defendant GEICO Insurance entered into a contract;
- 41. Plaintiff did all, or substantially all, of the significant things that the contract required him to do;
- 42. That all conditions required by the contract for Defendant GEICO's performance had occurred;
- 43. Defendant GEICO failed to do something that the contract required them to do, Defendant GEICO failed to pay the claim for the vehicle.
- 44. Plaintiff was harmed by that failure.

PRAYER

WHEREFORE, Plaintiff, requests that this Court award to Plaintiff and against all Defendant compensatory damages in an amount to be determined at trial, punitive damages, costs and attorney's fees, together with pre-judgment and post-judgment interest at the legal rate with such other and further relief as the Court deems just and proper.

Respectfully submitted,

SANDERS, BRUIN, COLL & WORLEY, P.A.

A handwritten signature in black ink, appearing to read "John S. Sullivan", is written over a horizontal dotted line.

John S. Sullivan Hightower
Post Office Box 550
Roswell, NM 88202-0550
(575) 622-5440
(575) 622-5853 (Fax)
Attorneys for Plaintiff

SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company, Anita Canales, and Geico Insurance Company Defendants	Defendant Name: Anita Canales 1131 E. Evans Ave. Pueblo, CO 81004

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice

that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person(s) who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Roswell, New Mexico, this 23rd day of August, 2017.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

My Commission By:

SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company Anita Canales and Geico Insurance Company Defendants	Defendant Name: Geico Insurance Company CT Corporation System 206 S. Coronado Ave. Española, NM 87532

ORIGINAL: To Be Returned to Clerk of District Court for Filing.
TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice

that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person(s) who signed the lawsuit.
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7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Roswell, New Mexico, this 23rd day of August, 2017.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Chaves county on the _____ day of _____, 2017 by delivering a copy of this summons', with a copy of the complaint attached, in the following manner: **(check on box and fill in appropriate blanks)**

- To Defendant _____ (*used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)
- To Defendant **by [mail]** [courier service] as provided by Rule 1004 NM RA (*used when service is by mail or commercial courier service*)
- To _____ a person over fifteen (15) years of age and residing at the usual place of abode of Defendant, (*used when the Defendant is not presently at place of abode*) a copy of the summons and complaint
- To _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailed by first *class mail* to the Defendant *at (insert Defendant's business address)* and by mailing the summons and complaint by first class mail to the Defendant *at (insert Defendant's last known mailing address)*.
- To _____ an agent authorized to receive service of process for Defendant _____ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant (*used when Defendant is a minor or an incompetent person*).
- To _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustee, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title *(if any)*

Subscribed and sworn to before me this _____ day of _____, 2017.

**Judge, notary or other officer authorized
To administer oaths**

Official title

My Commission By:

SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company Anita Canales and Geico Insurance Company Defendants	Defendant Name: The Hartford Insurance Company Incorp Services Inc. 1012 Marquez Pl. Ste. 106B Santa Fe, NM 87501

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice

that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person(s) who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New

Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Roswell, New Mexico, this 23rd day of August, 2017.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Chaves county on the _____ day of _____, 2017 by delivering a copy of this summons', with a copy of the complaint attached, in the following manner: **(check on box and fill in appropriate blanks)**

- To Defendant _____ (*used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)
- To Defendant **by [mail]** [courier service] as provided by Rule 1004 NM RA (*used when service is by mail or commercial courier service*)
- To _____ a person over fifteen (15) years of age and residing at the usual place of abode of Defendant, (*used when the Defendant is not presently at place of abode*) a copy of the summons and complaint
- To _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailed by first *class mail* to the Defendant *at (insert Defendant's business address)* and by mailing the summons and complaint by first class mail to the Defendant *at (insert Defendant's last known mailing address)*.
- To _____ an agent authorized to receive service of process for Defendant _____ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant (*used when Defendant is a minor or an incompetent person*).
- To _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustee, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title *(if any)*

Subscribed and sworn to before me this _____ day of _____, 2017.

**Judge, notary or other officer authorized
To administer oaths**

Official title

My Commission By:

SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company Anita Canales and Geico Insurance Company Defendants	Defendant Name: Geico Insurance Company CT Corporation System 206 S. Coronado Ave. Espanola, NM 87532

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice

that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person(s) who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Date (if any)

Subscribed and sworn to before me this 1st day of September 2017.OFFICIAL SEAL
Micaela Martinez
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 5/13/21Judge, notary or other officer authorized
To administer oaths

Official title

My Commission By:

5/13/21

Return

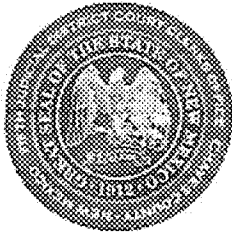
SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company Anita Canales and Geico Insurance Company Defendants	Defendant Name: Geico Insurance Company CT Corporation System 206 S. Coronado Ave. Española, NM 87532

ORIGINAL: To Be Returned to Clerk of District Court for Filing.
TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice
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1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
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Dated at Roswell, New Mexico, this 23rd day of August, 2017.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

STATE OF NEW MEXICO)
)ss.
 COUNTY OF Chaves)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Chaves county on the 1 day of September, 2017 by delivering a copy of this summons, with a copy of the complaint attached, in the following manner: (check on box and fill in appropriate blanks)

- ☐ To Defendant _____ (used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)
- ☐ To Defendant by [mail] [courier service] as provided by Rule 1004 NM RA (used when service is by mail or commercial courier service)
- ☐ To _____ a person over fifteen (15) years of age and residing at the usual place of abode of Defendant, (used when the Defendant is not presently at place of abode) a copy of the summons and complaint
- ☐ To _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailed by first class mail to the Defendant at (insert Defendant's business address) and by mailing the summons and complaint by first class mail to the Defendant at (insert Defendant's last known mailing address).
- ☐ To _____ an agent authorized to receive service of process for Defendant _____ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant (used when Defendant is a minor or an incompetent person).
- ☐ To CT CORPORATION (name of person), Geirgo Insuranc, (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustee, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this 1st day of September 2017.



OFFICIAL SEAL
 Micaela Martinez
 NOTARY PUBLIC - STATE OF NEW MEXICO

My Commission Expires: 5/13/21

Judge, notary or other officer authorized
 To administer oaths

Official title

My Commission By:

5/13/21

EXHIBIT A
STATE OF NEW YORK
COUNTY OF NEW YORK
JANUARY 24, 2018



SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company, Anita Canales, and Geico Insurance Company Defendants	Defendant Name: Anita Canales 1131 E. Evans Ave. Pueblo, CO 81004

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

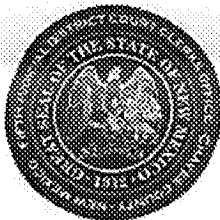
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4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
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6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Roswell, New Mexico, this 23rd day of August, 2017.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbcw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

State of Colorado
Pueblo County Sheriff's Office
Civil Division
Pueblo, CO 81003

Process Number: 127714

Court Number: D-504-CV-2017-00421

I, Kirk M Taylor, Sheriff of Pueblo County Sheriff's Office do hereby certify that I received the within and foregoing Summons, Amended Complaint on 28th day of August, 2017, and that I served the same on:

ANITA CANALES (Defendant)
1131 E EVANS AVE
Pueblo, CO 81004
Served on: 19th day of September, 2017 at 11:41:00 by Dazzo S
Served to: Anita Canales Defendant
1131 E EVANS AVE
Pueblo, CO 81004

Returned on the 21st day of September, 201

I also certify that I endorsed on the said copy the date of service, signed my name, and added my official title thereto.

Dated the 21st day of September, 2017

Fees:

Service: 35.00
Mileage: 4.50
Other : 0.00
Total : 39.50

Kirk M Taylor, Sheriff
Pueblo County Sheriff's Office, Colorado

BY: [Signature]
Authorized Representative
Civil Division

Service Fee: \$ _____

Subscribed and sworn before me this 21st day of September, 2017.

[Signature]
Notary Public
909 Court Street
Pueblo, Colorado 81003

My commission expires: 1/12/2019

GERRE L MASON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974020275
MY COMMISSION EXPIRES JANUARY 12, 2019

**STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT**

JOE GUTIERREZ,

Petitioner,

v.

Cause No. D-504-CV-2017-00421

**THE HARTFORD INSURANCE,
ANITA CANALES, and
GEICO INSURANCE COMPANY,**

Defendants.

**ANSWER TO PLAINTIFF'S AMENDED COMPLAINT
TO RECOVER DAMAGES**

Comes NOW. Defendant Government Employees Insurance Company (GEICO), by and through its undersigned attorneys Chapman and Priest P.C., (Stephen M. Simone/Jessica Singer), and for its Answer to the Plaintiff's Amended Complaint to Recover Damages states as follows:

1. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 1 and therefore denies the same.
2. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 2 and therefore denies the same.
3. Defendant GEICO admits the allegations contained in paragraph 3.
4. Defendant GEICO admits the allegations contained in paragraph 4.
5. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 5 and therefore denies the same.
6. Defendant GEICO admits the allegations contained in paragraph 6.

7. Defendant GEICO admits the allegations contained in paragraph 7.

FACTS

8. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 8 and therefore denies the same.

9. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 9 and therefore denies the same.

10. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 10 and therefore denies the same.

11. Defendant GEICO is without information as to the truth of the allegations of contained in paragraph 11 and therefore denies the same.

12. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 12 and therefore denies the same.

13. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 13 and therefore denies the same.

14. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 14 and therefore denies the same.

15. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 15 and therefore denies the same.

16. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 16 and therefore denies the same.

17. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 17 and therefore denies the same.

18. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 18 and therefore denies the same.

19. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 19 and therefore denies the same.

Unjust Enrichment (The Hartford Insurance)

20. Defendant GEICO re-alleges and incorporates by reference her previous responses to paragraphs 1 through 19 as though set forth fully herein.

21. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 21 and therefore denies the same.

22. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 22 and therefore denies the same.

23. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 23 and therefore denies the same.

Fraud (The Hartford Insurance)

24. Defendant GEICO re-alleges and incorporates by reference her previous responses to paragraphs 1 through 23 as though set forth fully herein.

25. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 25 and therefore denies the same.

26. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 26 and therefore denies the same.

27. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 27 and therefore denies the same.

28. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 28 and therefore denies the same.

29. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 29 and therefore denies the same.

Unjust Enrichment (Anita Canales)

30. Defendant GEICO re-alleges and incorporates by reference her previous responses to paragraphs 1 through 29 as though set forth fully herein.

31. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 31 and therefore denies the same.

32. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 32 and therefore denies the same.

Fraud (Anita Canales)

33. Defendant GEICO re-alleges and incorporates by reference her previous responses to paragraphs 1 through 32 as though set forth fully herein.

34. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 34 and therefore denies the same.

35. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 35 and therefore denies the same.

36. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 36 and therefore denies the same.

37. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 37 and therefore denies the same.

38. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 38 and therefore denies the same.

Breach of Contract (GEICO)

39. Defendant GEICO re-alleges and incorporates by reference her previous responses to paragraphs 1 through 38 as though set forth fully herein.

40. Defendant GEICO admits the allegations contained in paragraph 40.

41. Defendant GEICO is without information as to the truth of the allegations contained in paragraph 41 and therefore denies the same.

42. Defendant GEICO denies the allegations contained in paragraph 42.

43. Defendant GEICO denies the allegations contained in paragraph 43.

44. Defendant GEICO denies the allegations contained in paragraph 44.

AFFIRMATIVE DEFENSES.

1. Plaintiff has failed to mitigate his damages, said defense being asserted to prevent waiver.

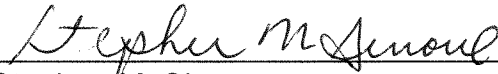
2. Plaintiff's claim is limited to the coverage purchased on his GEICO policy.

3. Plaintiff has failed to state a claim upon which relief can be granted.

WHEREFORE having fully answered the complaint, Defendant GEICO prays that the complaint be dismissed at plaintiffs' cost and for such other relief as the court deems proper.

Respectfully submitted,

CHAPMAN AND PRIEST, P.C.




Stephen M. Simone
Jessica Singer
PO Box 92438
Albuquerque, NM 87199
505-242-6000
stephensimone@cclawnm.com
ianalden@cclawnm.com
Attorneys for GEICO

I hereby certify the foregoing was served on the following counsel of record via the Odyssey File & Serve system on this 26 day of ~~October~~, 2017:

Sept.

John Sullivan Hightower
P.O. Box 550
Roswell, New Mexico 88202-0550
(575) 622-5440
(575) 622-5853 – facsimile



Stephen M. Simone

**STATE OF NEW MEXICO
CHAVES COUNTY
FIFTH JUDICIAL DISTRICT COURT**

JOE GUTIERREZ

V.

THE HARTFORD INSURANCE COMPANY, ET. AL.

No: D-504-CV-2017-00421

NOTICE OF SCHEDULING CONFERENCE

NOTICE IS HEREBY GIVEN that a hearing in this case has been set before the Honorable Kea W. Riggs, as follows:

Date of Hearing: **Monday, 4th day of December, 2017 at 9:45 AM**

Place of Hearing: Chaves County Courthouse
400 N. Virginia St
Roswell, NM 88201

Matter to be Heard:

Comments:

Length of Hearing: 15 Minutes

If this hearing requires more or less time than the court has designated, or if this hearing conflicts with any prior setting, please contact us immediately as continuances may not be granted on late notice. The District Court complies with the Americans with Disabilities Act. Counsel or PRO SE persons may notify the Clerk of the Court of the nature of the disability at least five (5) days before ANY hearing so appropriate accommodations may be made. Please contact us if an interpreter will be needed.

KATIE ESPINOZA
CLERK OF THE DISTRICT COURT

CERTIFICATE OF SERVICE

I, the undersigned Employee of the District Court of Chaves County, New Mexico, do hereby certify that I served a copy of this document to all parties listed below on 10/4/2017.

STEPHEN M. SIMONE (E-SERVICE)
JOHN SULLIVAN HIGHTOWER (E-SERVICE)
JESSICA SINGER (E-SERVICE)

By: jb

STATE OF NEW MEXICO
COUNTY OF CHAVES
STATE OF NEW MEXICO

JOE GUTIERREZ,
Plaintiff

VS

THE HARTFORD INSURANCE COMPANY,
ANITA CANALES, and GEICO INSURANCE COMPANY,
Defendants

CV-2017-421

RESPONSE

Page 1

I Amita Canales was served the Summons of Case P-504-CV2017-00421 on September 19, 2017 by Deputy Sam Dazzo.

First of all I am not a Resident of Roswell, New Mexico, the last time I Lived there was the Summer of 1971.

I moved with Joe Cutierrez May 6, 2016 at his place of resident at Hondo, New Mexico. He and I had a man, wower relationship for almost a year. He knew I was having problem with my previous car. We communicated everyday by Text and Telephone. About mid April 2016 Joe was checking online for a Vehicle. Joe Cutierrez had text or e-mail the photo of the 2005 Chev Impala said this is your Car. this was some time on the last week of April 2016.

I have not transferred the title into my name. I had the original Title of the 2005 Chev Impala and it was on my name.

Joe and I had gone together to Ruidoso, New to the Vehicle Registration when I showed my Colorado ID Drivers License the Clerk said I have to have a New Mexico ID, to register the Car. Joe Gutierrez insisted of registering the car that same day. Joe asked the Clerk is there a other way of doing it. She said if you place under your Auto Insurance than we can register the Vehicle under her name. By the time we got home to Hondo which is a 25 minute drive from Ruidoso, N.M. Joe said for me to put the the 2005 impala under my Insurance. Which at that time it was the AARP the Hartford so I did.

Page III

I was placing job applications for Personal Care Provider was not having much luck. Had only one Client in the Hondo area.

So the Thursday before Memorial Day weekend of 2016, Joe Gutierrez said go back to Pueblo, CO you say the place you were working at Pueblo will take you back.

So he placed 5-20 dollar bills on the Kitchen table, he said this should cover for gas money.

Two days later it was Saturday I got home from work about 5:30 p.m. here in Pueblo, CO. Parked the car but in the Street Front of my house.

Sunday morning I was going out to get coffee notice it was gone.

I called my insurance The Hartford and reported it Stolen. I was suppose to work that Sunday too.

If you need to contact me

Phone 719-281-9651

Anita Canales

STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT

JOE GUTIERREZ,

Petitioner,

v.

Cause No. D-504-CV-2017-00421

THE HARTFORD INSURANCE,
ANITA CANALES, and
GEICO INSURANCE COMPANY,

Defendants.

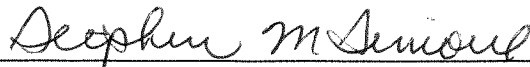
MOTION TO APPEAR TELEPHONICALLY

Comes NOW, the undersigned counsel for GEICO and hereby requests the Court for an Order allowing the undersigned to attend the Scheduling Conference set for December 4, 2017 at 9:45 a.m. telephonically and as grounds therefore states that telephonic appearance will reduce expenses to GEICO but will not adversely affect the hearing.

Opposing counsel has been contact and does not oppose this motion.

Respectfully submitted,

CHAPMAN AND PRIEST, P.C.



Stephen M. Simone

Jessica Singer

PO Box 92438

Albuquerque, NM 87199

505-242-6000

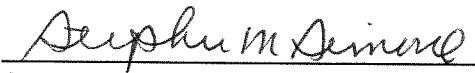
stephensimone@cclawnm.com

ianalden@cclawnm.com

Attorneys for GEICO

I hereby certify the foregoing was served on the following counsel of record via the Odyssey File & Serve system on this 25 day of October, 2017:

John Sullivan Hightower
P.O. Box 550
Roswell, New Mexico 88202-0550
(575) 622-5440
(575) 622-5853 – facsimile
jsh@sbcw.com


Stephen M. Simone

STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT

JOE GUTIERREZ,

Petitioner,

v.

Cause No. D-504-CV-2017-00421

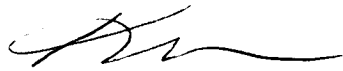
THE HARTFORD INSURANCE,
ANITA CANALES, and
GEICO INSURANCE COMPANY,

Defendants.

ORDER TO APPEAR TELEPHONICALLY

THIS MATTER having come before the Court on Motion by GEICO counsel to appear telephonically at the Scheduling Conference set for December 4, 2017 at 9:45 a.m. and the Court having reviewed said Motion and noting no objection, find the Motion is well-taken.

IT IS THEREFORE order that counsel for GEICO may appear telephonically at the Scheduling Conference on December 4, 2017 at 9:45 a.m.



THE HONORABLE KEA RIGGS
DISTRICT COURT JUDGE

XC: (counsel (E-service))

Approved by:

/s/ Stephen M. Simone

Stephen M. Simone

Jessica Singer

PO Box 92438

Albuquerque, NM 87199

505-242-6000

stephensimone@cclawnm.com

jessica@cclawnm.com

Attorneys for GEIC

Approved via email 10/25/17

John Sullivan Hightower

P.O. Box 550

Roswell, New Mexico 88202-0550

(575) 622-5440

(575) 622-5853 – facsimile

jsh@sbcw.com

STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT

JOE GUTIERREZ,

Plaintiff,

v.

Cause No. D-504-CV-2017-00421

THE HARTFORD INSURANCE
COMPANY, ET. AL.
Defendants.

MOTION FOR CONTINUANCE

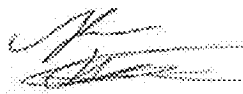
COMES NOW Plaintiff, by and through his attorney of record, Sanders, Bruin, Coll & Worley P.A. (John S. Hightower) and for his Motion to Continue hereby states:

1. A Scheduling Conference is set for Monday, December 4, 2017 at 9:45 a.m.
2. Plaintiff's attorney is still working on serving The Hartford Insurance Company.
3. Defendant agrees/opposes to the continuance.
4. Attached to this Motion is a list of Non-Availablity Dates for Plaintiff's attorney.

WHEREFORE, Plaintiff respectfully requests that this Court continue the Scheduling Conferece that is set for Monday, December 4, 2017 at 9:45 a.m. until further order of the Court.

Respectfully submitted,

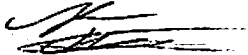
SANDERS, BRUIN, COLL & WORLEY P.A.



John S. Hightower

John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
575-622-5440
Attorneys for Plaintiff

I certify that I e-filed a copy of the foregoing through the Court's Mandatory Electronic Filing System causing a copy of the same to be e-served on all parties of record on this 28th day of November, 2017:



By: _____
John S. Hightower

STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT

JOE GUTIERREZ,

Plaintiff,

v.

Cause No. D-504-CV-2017-00421

THE HARTFORD INSURANCE
COMPANY, ET. AL.
Defendants.

ORDER FOR CONTINUANCE

THIS MATTER having come upon Plaintiff's Motion for Continuance, the Court finds
the Motion is well taken.

IT IS HEREBY ORDERED that the hearing presently set in the Scheduling Conference
for December 4, 2017 at 9:45 a.m. will be continued and will be reset for at the request
of counsel. km



Honorable Kea W. Riggs
District Judge

APPROVED AS TO FORM AND SUBSTANCE:

Sanders, Bruin, Coll & Worley P.A.

By: 
John S. Hightower

xc: Counsel (E-service)

P.O. Box 550
Roswell, NM 88202-0550
575-622-5440
Attorneys for Plaintiff

By: Approved Electronically 11/28/17 @ 1:42 p.m.

Stephen M. Simone
Simone, Roberts & Weiss, P.A.
1700 Louisiana Blvd. NE, #240
Albuquerque, NM 87110-7008
Telephone - 505-298-9400
Fax - 505-298-7070
ssimone@srw-law.com

By: No Response 11/28/2017

Jessica Singer
Chapman and Charlebois, P.C.
4001 Osuna Rd. NE #2-203
P.O. Box 92438
Albuquerque, NM 87199-2438
Telephone - 505-242-6000
Fax - 505-213-0561
jessica@ccclawnm.com

STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT

JOE GUTIERREZ,

Plaintiff,

v.

D-504-CV -2017-00421

THE HARTFORD INSURANCE,
ANITA CANALES, and
GEICO INSURANCE COMPANY,

Defendants.

MOTION FOR SUMMARY JUDGMENT

Defendant GEICO Insurance Company (hereinafter "GEICO"), by and through its counsel of record, Chapman and Priest, P.C., (Stephen M. Simone and Larissa Breen), hereby files this Motion for Summary Judgment pursuant to Rule 1-056(B) NMRA. In support of its motion, GEICO states as follows.

I. INTRODUCTION

Plaintiff filed his Amended Complaint to Recover Damages on August 7, 2017. Plaintiff alleges that he had permitted Anita Canales to use one of his vehicles, which was covered by an automobile insurance policy with GEICO. While the vehicle was titled in her name and also under her personal insurance, the vehicle was stolen. Ms. Canales reported the stolen vehicle to her insurance carrier, Hartford Insurance. At that point, Plaintiff alleges Hartford Insurance accepted and paid the claim to Ms. Canales. Plaintiff stated he notified GEICO of the loss and they refused to pay the claim.

Plaintiff's Complaint states his claim against GEICO is for Breach of Contract. Specifically, he alleges that he had a contract with GEICO to insure the Chevrolet Impala at issue in this suit. See Complaint ¶40. Plaintiff claims that when the vehicle was stolen,

all conditions requiring GEICO to fulfill its obligations under the contract occurred. See Complaint 42. Therefore, by not paying the claim GEICO did not do something the contract obligated them to do. Complaint ¶43.

Plaintiff's claim must fail, however, because at the time of the loss Plaintiff did not have comprehensive coverage for any vehicle on his insurance policy, including the Chevrolet Impala being used by Ms. Canales. As Plaintiff had not contracted for comprehensive coverage for the Impala, it was not a breach of the contract for GEICO to not pay the claim when the vehicle was stolen. Thus, Plaintiff's Complaint against GEICO must be dismissed as a matter of law.

Due to the nature of this Motion, it is presumed Plaintiff is opposed.

II. UNDISPUTED FACTS

The Chevrolet Impala was stolen in May of 2016. At the time of the theft, Plaintiff held an automobile insurance policy with GEICO Insurance Company for four vehicles. This included the 2005 Chevrolet Impala bearing VIN #2G1WF5ZK55932263. See Declarations Page for Policy Number: 4144-03088-92 for Named Insured Joe S. Gutierrez, attached as **Exhibit A**.

III. SUMMARY JUDGMENT STANDARD

The court shall grant summary judgment when the "pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact." Rule 1-056(C), NMRA. If there is no genuine issue of material fact, the moving party is entitled to judgment as a matter of law. *Id.* Summary judgment may be granted "when the moving party has met its initial burden of establishing a prima facie case for summary judgment." *Romero v. Philip Morris Inc.*,

2010-NMSC-035, ¶10, 148 N.M. 713, 242 P.3d 280. The moving party has met this burden when it has presented evidence “sufficient in law to raise a presumption of fact. . . unless rebutted.” *Id.* (internal citations omitted). Once the moving party has made a prima facie case that it is entitled to judgment as a matter of law, the burden shifts to the non-moving party to show there are evidentiary facts that would require a trial on the merits. *Id.*

IV. ARGUMENT

In this case, Plaintiff does not dispute that he had an automobile insurance policy with GEICO at the time the Chevrolet Impala was stolen. That is the heart of his claim. However, the declarations page for the policy speaks for itself, and it does not state that comprehensive coverage applied to any of the vehicles under the policy, including the Impala. Plaintiff cannot argue that the policy was in place, but ask to disregard its very terms. Therefore, since there is no dispute that Policy Number 4144-03088-92 was the governing automobile insurance policy for the Chevrolet Impala at the time of the theft, and since there is no comprehensive coverage applied under that policy, Plaintiff’s Complaint must be dismissed.

WHEREFORE, Defendant GEICO respectfully requests the Court grant its Motion for Summary Judgment and dismiss with prejudice Plaintiff’s Complaint and all causes of

action against Defendant GEICO and for such other and further relief as the Court deems just and proper.

Electronically Filed,

CHAPMAN AND PRIEST, P.C.



Stephen M. Simone

Larissa Breen

P.O. Box 92438

Albuquerque, NM 87109

Tel: (505) 242-6000

stephensimone@cplawnm.com

larissabreen@cplawnm.com

I hereby certify the foregoing was served on the following counsel of record via the Odyssey File & Serve system on this 13th day of December 2017.

John Sullivan Hightower
Sanders, Bruin, Coll & Worley P.A.
P.O. Box 550
Roswell, NM 88202-0550
Attorney for Plaintiff

And via USPS to:

Anita Canales
1131 E. Evans Avenue
Pueblo, Colorado 81004



Stephen M. Simone

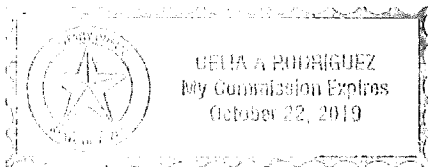
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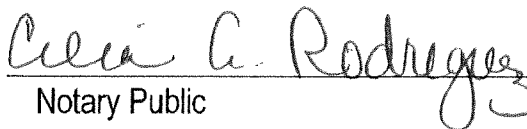
I, RUBEN S. GARAY, of GOVERNMENT EMPLOYEES Insurance Company, a corporation organized and existing under the laws of the State of Maryland, do hereby certify that the attached are the policy limits, contract and amendments that were in effect for policy number 4144 03 88 92 for the loss date of MAY 31, 2016 issued to JOE S GUTIERREZ policy address is PO BOX 162 HONDO NM 88336-0162 by GOVERNMENT EMPLOYEES Insurance Company.



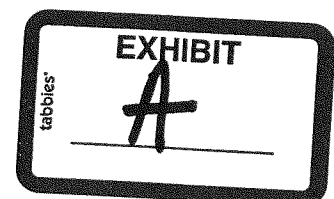
Ruben S. Garay
Claims Coverage Underwriter

Subscribed and sworn before me this 22nd day of September 2017.




Notary Public

COV1





Tel: 1-800-841-3000

GOVERNMENT EMPLOYEES INSURANCE COMPANY
P.O. Box 509090
San Diego, CA 92150-9090

Date Issued: May 31, 2016

JOE S GUTIERREZ
PO BOX 162
HONDO NM 88336-0162

Declarations Page

This is a description of your coverage.
Please retain for your records.

Policy Number: 4144-03-88-92

Coverage Period:

04-15-16 through 10-15-16

12:01 a.m. local time at the address of the named insured.

Endorsement Effective: 05-31-16

Email Address: joseph_69_82@yahoo.com

Named Insured

Joe S Gutierrez

Additional Drivers

None

<u>Vehicles</u>	<u>VIN</u>	<u>Vehicle Location</u>	<u>Finance Company/ Lienholder</u>
1 1993 Ford	T Bird LX	1FAPP624XPH108477	Hondo NM 88336
2 1995 Ford	T Bird Sup	1FALP64R9SH203161	Hondo NM 88336
3 1997 Ford	F250 Hvdty	1FTHX25F4VEC37897	Hondo NM 88336
4 2005 Chev	Impala	2G1WF52K559322630	Hondo NM 88336

Coverages*

Limits and/or Deductibles

	<u>Vehicle 1</u>	<u>Vehicle 2</u>	<u>Vehicle 3</u>	<u>Vehicle 4</u>
Bodily Injury Liability				
Each Person/Each Occurrence	\$25,000/\$50,000	\$39.70	\$33.00	\$33.00
Property Damage Liability	\$25,000	\$38.00	\$31.50	\$31.50
Medical Payments	\$1,000	\$5.30	\$2.90	\$4.90
Uninsured Motorists Bodily Injury				
Each Person/Each Occurrence	\$25,000/\$50,000	\$27.90	\$27.90	\$27.90
Uninsured Motorist Property Damage	\$25,000	\$0.00	\$0.00	\$0.00

Six Month Premium Per Vehicle \$110.90 \$95.30 \$97.30 \$108.50

Total Six Month Premium \$412.00

*Coverage applies where a premium or \$0.00 is shown for a vehicle.

If you elect to pay your premium in installments, you may be subject to an additional fee for each installment. The fee amount will be shown on your billing statements and is subject to change.

T-C

DEC_PAGE (03-14) (Page 1 of 2)

Continued on Back
Policy Change Page 5 of 8

200401414403889230014000355

Discounts

The total value of your discounts is	\$157.90
Seatbelt (Veh 1, 2, 3, 4).....	\$2.80
Multi-Car (Veh 1, 2, 3, 4)	\$94.30
5 Year Good Driving (Veh 1, 2, 3, 4).....	\$56.50
Passive Restraint/Air Bag (Veh 2, 4).....	\$4.30

Contract Type: A70NM**Contract Amendments:** ALL VEHICLES - A54ED1 A54NM A70NM**Important Policy Information**

-Congratulations! You have earned the free Accident Forgiveness benefit. That means we will waive the surcharge associated with the first at-fault accident caused by an eligible driver on your policy.

-Please review the front and/or back of this page for your coverage and discount information.

-Special 50+ rating applies.

-No coverage is provided in Mexico.

-Reminder - Physical damage coverage will not cover loss for custom options on an owned automobile, including equipment, furnishings or finishings including paint, if the existence of those options has not been previously reported to us. This reminder does NOT apply in VIRGINIA and NORTH CAROLINA. Please call us at 1-800-841-3000 or visit us at geico.com if you have any questions.

-Claims incurred while an insured vehicle is being used to carry passengers for hire may not be covered by this contract. Please review the contract for a full list of exclusions and contact us if you plan to use any of your insured vehicles for this purpose.

-Your 1995 JEEP has been replaced by the 2005 CHEV.

**STATE OF NEW MEXICO
COUNTY OF CHAVES
FIFTH JUDICIAL DISTRICT**

JOE GUTIERREZ,

Plaintiff,

v.

D-504-CV -2017-00421

**THE HARTFORD INSURANCE,
ANITA CANALES, and
GEICO INSURANCE COMPANY,**

Defendants.

STIPULATION OF DISMISSAL

COMES NOW, the Plaintiff, Joseph Gutierrez and Defendant GEICO Insurance Company (hereinafter "GEICO"), by and through their counsel of record, Sanders, Bruin, Coll & Worley P.A, (John Sullivan Hightower) and Chapman and Priest, P.C., (Stephen M. Simone and Larissa Breen), hereby stipulate to the dismissal without prejudice of all claims Plaintiff has against GEICO.



The Honorable Kea W. Riggs
District Court Judge

Submitted by:

CHAPMAN AND PRIEST, P.C.

/s/ Stephen M. Simone
Stephen M. Simone
Larissa Breen
P.O. Box 92438
Albuquerque, NM 87109
Tel: (505) 242-6000
stephensimone@cplawnm.com
larissabreen@cplawnm.com

Approved via email 12/26/17
John Sullivan Hightower
Sanders, Bruin, Coll & Worley P.A.
P.O. Box 550
Roswell, NM 88202-0550
jsh@sbcw.com
Attorney for Plaintiff

SUMMONS for AMENDED COMPLAINT TO RECOVER DAMAGES	
Fifth Judicial District Court: Chaves County New Mexico Court Address: P.O. Box 1776 Roswell, NM 88202-1776 Court Telephone No.: 575-622-2212	Case Number: D-504-CV-2017-00421 Judge: Kea W. Riggs
Plaintiff Joe Gutierrez v. The Hartford Insurance Company Anita Canales and Geico Insurance Company Defendants	Defendant Name: The Hartford Insurance Company C/O Registered Agent 3600 Wiseman Blvd. San Antonio, TX 78251

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

TO THE ABOVE-NAMED RESPONDENT (S)/PETITIONER: Take notice

that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person(s) who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You must contact the State Bar of New Mexico for help finding a lawyer. You may contact the State Bar of New

Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Roswell, New Mexico, this 23rd day of August, 2017.

By: Janet Bloomer
Deputy



John S. Hightower
P.O. Box 550
Roswell, NM 88202-0550
Telephone No.: (575) 622-5440
Fax No.: (575) 622-5853
Email Address: jsh@sbew.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

Texas
STATE OF NEW MEXICO)
Bexar) ss.
COUNTY OF ~~Chavez~~)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in ~~Chavez~~ county on the 26 day of December, 2017 by delivering a copy of this summons, with a copy of the complaint attached, in the following manner: (check on box and fill in appropriate blanks)

- ☐ To Defendant _____ (used when Defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)
- ☐ To Defendant by [mail] [courier service] as provided by Rule 1004 NM RA (used when service is by mail or commercial courier service)
- ☐ To _____ a person over fifteen (15) years of age and residing at the usual place of abode of Defendant, (used when the Defendant is not presently at place of abode) a copy of the summons and complaint
- ☐ To _____, the person apparently in charge at the actual place of business or employment of the Defendant and by mailed by first class mail to the Defendant at (insert Defendant's business address) and by mailing the summons and complaint by first class mail to the Defendant at (insert Defendant's last known mailing address).
- ☐ To _____ an agent authorized to receive service of process for Defendant _____ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of Defendant (used when Defendant is a minor or an incompetent person).
- ☒ To Sam Snider (name of person), Manager (title of person authorized to receive service. Use this alternative when the Defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustee, the State of New Mexico or any political subdivision).

Fees: _____

Brian D. P. J.
Signature of person making service

Process Server #11661
Title (if any)

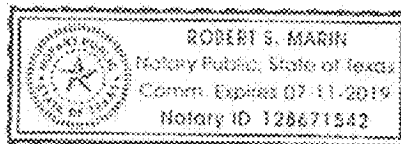
Subscribed and sworn to before me this 26 day of December, 2017.

[Signature]
Judge, notary or other officer authorized
To administer oaths

Notary Public For Texas
Official title

My Commission By:

7-11-19



CAUSE NO. D-504-CV-2017-00421

Joe Gutierrez	§	IN THE COUNTY COURT
	§	
Plaintiff,	§	
VS.	§	FIFTH JUDICIAL DISTRICT COURT
	§	
The Hartford Insurance Company, Anita Canales and	§	
Geico Insurance Company	§	
Defendant.	§	CHAVES COUNTY, NEW MEXICO

AFFIDAVIT OF SERVICE

On this day personally appeared Ben Davila Jr. who, being by me duly sworn, deposed and said:

"The following came to hand on Dec 21, 2017, 6:00 pm,

SUMMONS, AMENDED COMPLAINT TO RECOVER DAMAGES,

and was executed at 3600 Wiseman Blvd, San Antonio, TX 78251 within the county of Bexar at 05:18 PM on Tue, Dec 26 2017, by delivering a true copy to the within named

SAN SHULER ACCEPTED ON BEHALF OF THE HARTFORD INSURANCE COMPANY, C/O REGISTERED AGENT

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

Ben Davila Jr.

Ben Davila Jr.
SCH#11661

BEFORE ME, a Notary Public, on this day personally appeared Ben Davila Jr., known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 12/26/2017

Robert S. Marin

Notary Public, State of Texas

